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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,055	07/02/2003	Yoshihisa Makuta	16869P-078100US	6652

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EXAMINER

PHUONG, DAI

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,055

Applicant(s)

MAKUTA, YOSHIHISA

Examiner

Dai A. Phuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-22 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 0203 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-6, 9-13, 16-18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (Pub. No: 2001/0018349) in view of Grube et al. (U.S. 5,778,304).

Regarding claim 1, Kinnunen et al. disclose a method of providing access to an information unit by a wireless unit, the method comprising: providing a first position information containing an access enabled area for the wireless unit, the access enabled area falling within a range of communicable area of a wireless access point ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]); obtaining a second position information containing a current position of the wireless unit ([0023], [0094] to [0096], [0110] to [0111]); if the current position of the wireless unit is within the access enabled area for the wireless unit according to the first and second position information, then permitting access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]); and if the current position of the wireless unit is outside the access enabled

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area for the wireless unit according to the first and second position information, then denying access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]. It is obviousness that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

However, Kinnunen et al. do not disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point.

In the same field of endeavor, Grube et al. disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point (fig. 1, col. 2, line 41 to col. 4, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kinnunen et al. by specifically including to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point, as taught by Grube et al., the motivation being in order to control communication services based on geographic location.

Regarding claim 2, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. Further, Kinnunen et al. disclose the method wherein the first position

information contains a plurality of access enabled areas which fall within the range of communicable area of one or more wireless access points, and wherein if the current position of the wireless unit is within one of the access enabled areas, then permitting access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 5, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. Further, Kinnunen et al. disclose the method wherein the second position information is obtained from the wireless unit ([0094] to [0095]).

Regarding claim 6, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. Further, Kinnunen et al. disclose the method wherein the wireless access point is a radio LAN access point ([0067] to [0068]).

Regarding claim 9, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. Further, Kinnunen et al. disclose the method comprising monitoring the second position information of the wireless unit and, if the current position of the wireless unit is outside the access enabled area for the wireless unit, then denying access the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 10, Kinnunen et al. disclose a system for providing access to an information unit by a wireless unit, the system comprising: a memory 216 including a first position information containing an access enabled area for the wireless unit, the access enabled area falling within a range of communicable area of a wireless access point ([0103] to [0111] and

[0133]); a position module 218 configured to obtain a second position information containing a current position of the wireless unit ([0094] to [0095] and [0103] to [0111] and [0133]); and an access module configured 220 and 222, if the current position of the wireless unit is within the access enabled area for the wireless unit according to the first and second position information, to permit access to the information unit by the wireless unit, and, if the current position of the wireless unit is outside the access enabled area for the wireless unit according to the first and second position information, to deny access to the information unit by the wireless unit ([0094] to [0095] and [0103] to [0111] and [0133]). It is obviousness that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

However, Kinnunen et al. do not disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point.

In the same field of endeavor, Grube et al. disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point (fig. 1, col. 2, line 41 to col. 4, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kinnunen et al. by specifically including to deny access to the information unit by the wireless unit even if the current position of the

wireless unit is within the range of communicable area of the access point, as taught by Grube et al., the motivation being in order to control communication services based on geographic location.

Regarding claim 11, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 10. Further, Kinnunen et al. disclose the system wherein the first position information contains a plurality of access enabled areas which fall within the range of communicable area of one or more wireless access points, and wherein if the current position of the wireless unit is within one of the access enabled areas, then permitting access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 12, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 11. Further, Kinnunen et al. disclose the system wherein the access module is configured, if the current position of the wireless unit is within one of the access enabled areas, to permit a same scope of access to the information unit by the wireless unit without regard to which of the access enabled areas within which the current position of the wireless unit is ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 13, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. Further, Kinnunen et al. disclose the system wherein the wireless access point is a radio LAN access point ([0067] to [0068]).

Regarding claim 16, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. Further, Kinnunen et al. disclose the system wherein the access module is

configured to monitor the second position information of the wireless unit and, if the current position of the wireless unit is outside the access enabled area for the wireless unit, to deny access the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 17, Kinnunen et al. disclose a computer readable medium storing a program used for providing access to an information unit by a wireless unit, the program comprising: code for providing a first position information containing an access enabled area for the wireless unit, the access enabled area falling within a range of communicable area of a wireless access point ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]); code for obtaining a second position information containing a current position of the wireless unit ([0023], [0094] to [0096], [0110] to [0111]); code for, if the current position of the wireless unit is within the access enabled area for the wireless unit according to the first and second position information, permitting access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]); and code for, if the current position of the wireless unit is outside the access enabled area for the wireless unit according to the first and second position information, denying access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]). It is obviousness that the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

However, Kinnunen et al. do not disclose a computer readable medium storing a program used for providing access to an information unit by a wireless unit, the program comprising: to

deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point.

In the same field of endeavor, Grube et al. disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point (fig. 1, col. 2, line 41 to col. 4, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kinnunen et al. by specifically including to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point, as taught by Grube et al., the motivation being in order to control communication services based on geographic location.

Regarding claim 18, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 17. Further, Kinnunen et al. disclose the medium wherein the code for permitting access comprises code for, if the current position of the wireless unit is within one of the access enabled areas, permitting a same scope of access to the information unit by the wireless unit is permitted without regard to which of the access enabled areas within which the current position of the wireless unit is ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 21, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 17. Further, Kinnunen et al. disclose the medium further comprising code for

monitoring the second position information of the wireless unit and, if the current position of the wireless unit is outside the access enabled area for the wireless unit, then denying access the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

Regarding claim 22, Kinnunen et al. disclose a method of providing access to an information unit by a wireless unit, the method comprising: providing a first position information containing an access enabled area for the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]); obtaining a second position information containing a current position of the wireless unit ([0023], [0094] to [0096] and [0110] to [0111]); if the current position of the wireless unit is within the access enabled area for the wireless unit according to the first and second position information, then permitting access to the information unit by the wireless unit ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]); and if the current position of the wireless unit is outside the access enabled area for the wireless unit according to the first and second position information, then denying access to the information unit by the wireless ([0002], [0065] to [0067], [0073], [0076] to [0077], [0110] to [0111], [0124] to [0132]).

However, Kinnunen et al. do not disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point.

In the same field of endeavor, Grube et al. disclose a method of providing access to an information unit by a wireless unit, the method comprising: to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point (fig. 1, col. 2, line 41 to col. 4, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kinnunen et al. by specifically including to deny access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point, as taught by Grube et al., the motivation being in order to control communication services based on geographic location.

4. Claims 7-8, 14-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (Pub. No: 2001/0018349) in view of Grube et al. (U.S. 5,778,304) and further in view of Hogan et al. (Pub. No: 2003/0040314).

Regarding claim 7, the combination of Kinnunen et al. and Grube et al. disclose all the limitation in claim 1. But, the combination of Kinnunen et al. and (fig. 1, col. 2, line 41 to col. 4, line 8) do not disclose the method wherein permitting access comprises adding the wireless unit to an access origination unit list.

In the same field of endeavor, Hogan et al. disclose the method wherein permitting access comprises adding the wireless unit to an access origination unit list ([0015]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile entity of the combination of Kinnunen et al. and Grube

et al. by specifically including permitting access comprises adding the wireless unit to an access origination unit list, as taught by Hogan et al., the motivation being in order to perform an update procedure depending on the broadcast system information message associated with the one geographic coverage area.

Regarding claim 8, the combination of Kinnunen et al. and Grube et al. and Hogan et al. disclose all the limitation in claim 7. Further, Kinnunen et al. disclose the method comprising periodically obtaining the second position information and, if the current position of the wireless unit is outside the access enabled area for the wireless unit, then removing the wireless unit from the access origination unit list ([0110]).

Regarding claims 14 and 19, this claim is rejected for the same reason as set forth in claim 7.

Regarding claims 15 and 20, this claim is rejected for the same reason as set forth in claim 8.

Reasons Subject Matter

5. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior art record does not disclose nor fairly suggest the method wherein the first position information contains a first access enabled area which falls within the range of communicable area of a first wireless access point, **the first position information including a GPS position of the first access enabled area and a height of the first wireless**

access point; wherein the second position information includes as the current position of the wireless unit a GPS position information of the wireless unit and a height of the wireless access point through which the wireless unit is evaluated for access to an information unit; and wherein the current position of the wireless unit is within the first access enabled area of the wireless unit if the current position is within the first access enabled area in both the GPS position information and the height.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ariga (U.S. 6625455) portable telephone set in restricted zone

Aburai et al. (Pub. No: 2002009053) controlling with limited area information

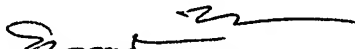
Ranta (U.S. 6832093) restricting the operation of a radio device with a certain area

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
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Date: 09-15-2005


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